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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,065	10/06/2003	Yasuhiko Inaba	ASA-927-02	4109

7590

06/07/2005

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EXAMINER

LE, MIRANDA

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/678,065	INABA ET AL.	
	Examiner	Art Unit	
	Miranda Le	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/26/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment, filed 01/21/2005.
2. Claims 12-22 are pending in this application. Claims 1, 21, 22 are independent claims. In the Amendment, claims 12, 21, 22 have been amended, and no claims have been added, or cancelled. This action is made Final.

Information Disclosure Statement

3. Applicants' Information Disclosure Statement, filed 06 October 2003, has been received, entered into the record, and considered. See attached form PTO-1449.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12-18, 21, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki et al. (US Patent No. 6,421,675).

Aoki anticipated independent claims 12, 21, 22 by the following:

As to claims 12, 21, 22, Aoki teaches a document retrieval method, involving a series of document retrieval process including plurality of retrieval operations (i.e. Figs. 3A-3C, col. 6, lines 52-67), comprising:

a user's evaluation input step (i.e. user selects a desired document by using Bookmark, col. 6, lines 35-51) for inputting a user's evaluation of a document by designating a document retrieved in a document search conducted pursuant to a search condition (i.e. the search based on the frequency table of keywords, col. 6, lines 1-6, col. 6, lines 1-51).

a search condition storage step (i.e. frequency table is stored in cluster database 122, Fig.2, col. 5, lines 62-67) for, when updating said search condition based on said evaluation (i.e. any update the document x, col. 7, line 36), storing a search condition (i.e. a frequency table is created from the entire text of document x, and stored in the node information element Nx, col. 5, lines 61-67) after the update in addition to those search conditions that have been stored in connection (i.e. the connection between the nodes in Fig. 2) with previous retrieval operations conducted before said update in said series of document retrieval process (col. 6, line 61 to col. 7, line 45).

a search result storage step for storing a search result (i.e. URL list, Fig. 2) based on the search condition after the update in addition on the search after the updated in addition to those search results that have been stored on connection (i.e. the connection between the nodes in Fig. 2) with previous retrieval operations conducted with previous retrieval operations conducted before said update in said series of document retrieval process (Fig. 2, col. 5, lines 13-34)

a search history storage step for storing information on a history (i.e. frequency table, title, document content, URL list, Fig. 2) of the search condition stored in said search condition storage step, information on a history of search result stored in said search result storage step (Fig. 2, col. 5, lines 13-34), and said evaluation and an identifier of a document subjected to said evaluation by making a correspondence among them (Fig. 2, col. 5, lines 13-34).

As per claim 13, Aoki teaches an evaluation history display step for delivering a list of documents for which the user has inputted evaluations to evaluate said documents as desirable or undesirable in the past on the basis of the information stored in said search history storage step and said evaluation for said documents (i.e. The document retrieve server 12 collects and stores address of the documents which are in computer 13, and provides URLs of the desired documents to a clients 14 as the retrieved result, col. 5, lines 13-19).

As per claim 14, Aoki teaches a search result history display step for delivering a document delivered as a search result before said search condition is updated on the basis of said evaluation even after said search condition is updated, on the basis of the information stored in said search history storage step (col. 5, lines 1-40).

As per claim 15, Aoki teaches a search condition restoration step for restoring, of the evaluation history delivered in said evaluation history display step, a search condition before a desired evaluation is inputted (col. 5, lines 1-40).

As per claim 16, Aoki teaches a search condition update step for inputting an evaluation to evaluate a document delivered in said evaluation history display step (i.e. any update of the document x is posted to the user, col. 7, lines 36-39) as desirable or undesirable and updating said search condition on the basis of said evaluation input in said search condition update step (a user

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uses the bookmark for evaluating a document as desired or undesired, col. 6, lines 23-67, col. 7, lines 36-51).

As per claim 17, Aoki teaches a user evaluation erase step for erasing a desired one of said evaluations as to desirability or undesirability inputted by the user in said evaluation history display step, in accordance with a request from the user, and updating the search condition to the state available when said evaluation is not made (a user could erase the desired document by using the Bookmark to delete the corresponding URL, col. 6, lines 23-67).

As per claim 18, Aoki teaches a search condition update step for causing the user to input an evaluation to evaluate the document delivered (i.e. any update of the document x is posted to the user, col. 7, lines 36-39) in said search result history display step as desirable or undesirable so as to update said search condition on the basis of said evaluation input of said search condition update step (col. 6, lines 23-67, col. 7, lines 36-51).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (US Patent No 6,078,913), in view of Diamond et al. (US Patent No. 6,269,368).

As per claim 19, Aoki teaches a user evaluation erase step (i.e. using Bookmark) for erasing a desired evaluation as to desirability or undesirability inputted by the user and delivered in said search result history display step in accordance with a request from the user (col. 6, lines 23-67).

Aoki does not specifically teach "updating weights of strings in the search condition to the state available when said evaluation is not made". However, Diamond teaches the step of modifying the query at col. 8, line 38 (i.e. updating weight string in the search condition).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Diamond's teaching of "updating weights of strings in the search condition to the state available when said evaluation is not made" would have provided Aoki's users an information retrieval technique that captures both the preciseness and richness of meaning in queries and documents and allow for user feedback to facilitate the retrieval process.

As per claim 20, Aoki do not does not specifically teach "a user's evaluation for a search result document is inputted in accordance with a method for setting one or more evaluation grades, the search condition includes weights assigned to strings and the weight of a string is

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updated in accordance with a method for setting the degree of change in many grades pursuant to said evaluation". However, Diamond teaches this limitation at col. 10, lines 10-38, and col. 18, lines 38 to col. 19, line 19.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Diamond's teaching of "a user's evaluation for a search result document is inputted in accordance with a method for setting one or more evaluation grades, the search condition includes weights assigned to strings and the weight of a string is updated in accordance with a method for setting the degree of change in many grades pursuant to said evaluation" would have would have provided Aoki's users an information retrieval technique that captures both the preciseness and richness of meaning in queries and documents and allow for user feedback to facilitate the retrieval process.

Response to Arguments

8. Applicant's arguments concerning Nishioka does not disclose the amended claims with respect to claims 12, 21, 22 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

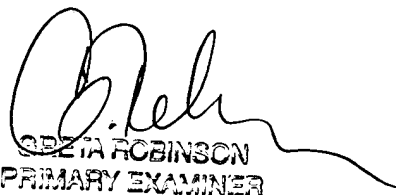
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (571) 272-4107. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le
May 27, 2005



CYNTHIA ROBINSON
PRIMARY EXAMINER